UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/539,358	06/15/2005	Franciscus L. A. J. Kamperman	NL 021452	7369

24737   7590   05/12/2011
PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER
DEGA, MURALI K

ART UNIT	PAPER NUMBER
3621	

NOTIFICATION DATE	DELIVERY MODE
05/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

vera.kublanov@philips.com
debbie.henn@philips.com
marianne.fox@philips.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>29 June 2010</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-14 and 19-24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-14 and 19-24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Acknowledgements

1.   This Office action responds to the Notice of appeal filed on 29 June 2010.

2.   Claims 1-14 and 19-24 are pending.

3.   Claims 1-14 and 19-24 have been examined.

4.   This office action is in response to the Pre-Appeal Request filed June 29, 2010.

The USPTO mailed a Pre-Appeal Decision on August 31, 2010 indicating reopening of

prosecution.

Claim Rejections - 35 USC § 112

5.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

6.   Claims 6 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

7.   Claim 6 recites "The method of claim 1, including creating a domain of a plurality

of devices of the set of devices that are related to a household or limited group of

consumers". The claim is indefinite because it is not clear to one of ordinary skill in the

art as to how the method of claim 1 is creating "a domain of a plurality of devices ...".

The method of claim 1 lists the method steps of a) associating usage rights with content

item", b) decomposing usage rights, c) digitally signing the decomposed rights and d)

providing content item and the rights to a client system. It is not clear if the language is

deficient or the Applicant is claiming grouping of devices of the client system recited in

claim 1 or in the alternative, the Applicant is using the terms "domain" and "user"

interchangeably.

8.   Claim 10 recites "sign at least one partial right of the set of signed partial rights to

crate at least one other signed partial right". The claim is indefinite because it is not

clear if the claim language is meant to recite signing the already signed partial right "a

second time" by the "machine of the provider" as recited in claim 1 from which claim 10

depends or the signed partial right is signed for the second time by "a device at a client

site".

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-12, 14 and 19-24 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Richards et al. (WO 01/63387) in view of Okamoto et al. (US

2004/0054678) further in view of Jaalinoja et Al. (US 2003/0014315).

3.   With respect to claims 1, 16 and 18:

4.   Richards discloses a method of controlling access ("control and/or enforce use

rights and access rights", ¶ [0004]) to a content item ("Content", ¶¶ [0039] and [0137]) in

a system comprising a set of devices ("a user/subscriber/apparatus 42", ¶ [0060] and

Fig. 1 item 42)

    a.   Associating, by a provider ("provider of the data", ¶ [003]) of a content

item, at least one usage right ("use right", Abstract and ¶ [0006]) with the content

item ("Content", ¶¶ [0039] and [0137])

    b.   Decomposing, by the provider, the usage right into a set of partial rights

("also allows an owner of the data to define rules for rendering, accessing, and

using the encoded data.", ¶ [0026])

    c.   separately signing, by a machine of provider, each partial right of the set

of partial rights ("Such rules can be a part of an encoding scheme.", ¶ [0026])

resulting in a corresponding set of signed partial rights.

    d.   Richards discloses a policy component that define recipient's access

rights to the data, such as the rights to "read/write", "save encoded", "save open",

"no save", "server keyed", "render 1", "render 2", "Age 1", "Age 2", and "Use",

etc. (¶¶ [0026] and [0068]) but does not explicitly disclose naming the separate

rights as "partial rights".

    e.   However, Okamoto teaches a "partial right" that is a subset of a right

range.

    f.   Therefore it would have been obvious to the person having ordinary skill in

the art at the time of invention to combine the secure content distribution service

to a group of devices in a domain as disclosed by Richards with the system of a

distribution device storing a group of digital contents with right management

information to facilitate "partial right" distribution as taught by Okamoto for the purposes of user convenience, fair distribution and cost effectiveness, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

g.   Richards discloses authentication using existing standards for authentication such as a digital signature method or a public/private key exchange (¶ [0096]) as part of an encoded scheme for transfer of content between devices, but does not explicitly disclose each one being separately signed.

h.   However, Jaalinoja teaches using individually signed tokens and transmitted to the user then the token is presented to activate the program where the program verifies the signature and the right associated with the token such as validity period, which allows the user to use the program for the specified period. ([0116] and [0117])

i.   Therefore it would have been obvious to the person having ordinary skill in the art at the time of invention to combine the secure content distribution service to a group of devices in a domain as disclosed by Richards with the system of Jaalinoja, for the purpose of added security and prevent unauthorized content access, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

     j.   Providing, by the machine, the content item and the set of signed partial

rights to a device ("Television or desktop or Laptop", Item 42 of Fig. 1) of a set of

devices as a client system (Item 42 of Fig. 1).

5.   With respect to claim 2:

6.   Richards discloses wherein at least one device in the set of devices is able to

access ("a remote access device", ¶ [0060]) and exercise at least one partial right of the

set of signed partial rights ("incorporating at least one encoded use right", Abstract) after

verification of the signed partial right.

7.   With respect to claim 3:

8.   Richards discloses wherein one partial right of the set of signed partial rights

associated with the content item comprises one of a render right, a transfer right, an

offer right, a derivative work right, and a utility right ("rendering the decoded data type in

accordance with the decoded use right", ¶ [0018])

9.   With respect to claim 4:

10.   Richards discloses wherein at least one partial right of the set of signed partial

rights can only be exercised a limited number of times ("The "use" element defines the

number of times that the data may be accessed or used", ¶ [0068]).

11.   With respect to claim 5:

12.   Richards discloses including verifying ("the remote apparatus determines

whether the password or signature is valid in block 212", ¶ [0120]) whether the at least

one partial right and an authorization of the provider have both not been revoked before exercising the at least one partial right.

13.   With respect to claim 6:

14.   Richards discloses including creating a domain of a plurality of devices of the set of devices that are related to a household or limited group of consumers (Fig. 1, item 42).

15.   With respect to claims 7 and 8:

16.   Richards discloses wherein a required protection level of at least one partial right of the set of partial rights is indicated along with the at least one partial right and derived implicitly from a type of the at least one partial right ("A composite file header is generated for the complete encoded file and for individual data types and is comprised of the pointers to each individual encoded data type and information that allows the process to control its logic and encode level. The logic and level flow information defines what key or key set are used to decode and how the decoding process occurs", ¶¶ [0151], [0072], [0092] and [0120]).

17.   With respect to claims 9 and 10:

18.   Richards discloses including allowing the device, to identify a different device, sign information that includes at least one partial right of the set of partial rights and at least one of: an identification of the domain, an identification of the different device, and information about length and validity of the partial right to create a signed information item, and transfer this signed information item to the different device ("the persistent data control application passes the unique machine identifier to the secure server where

the machine identifier is in the registry database and is used as one of the

encode/decode keys for that specific remote apparatus", ¶ [0090]).

19.   With respect to claim 11:

20.   Richards discloses wherein the different device is a member of a different

domain (Fig. 1, Item 42 and item 52).

21.   With respect to claim 12:

22.   Richards discloses including verifying, by the device, that the different device is

at least one of being compliant and being non revoked ("remote apparatus retrieves the

unique machine identifier, e.g., manufacturer's serial number, of that apparatus and

uses it as one of the decode/encode keys. If the decode is successful, the apparatus

has been validated", ¶ [0089]).

23.   With respect to claim 14:

24.   Richards discloses wherein the usage right comprises an offer right (for a specific

right) and the method including requesting the provider to execute the offer right and

deliver the specific right to a specified third party, delivering, by the provider, the specific

right directly to the specified third party ("authentication methods", ¶¶ [0048]-[0052]).

25.   With respect to claims 20 and 22:

26.   Richards discloses a client system (Fig. 1, item 42) comprising: a plurality of

devices ("desktop, laptop, television", item 44 of Fig. 1) that are interconnected via a

network; wherein at least one device includes: a memory that is configured to receive a

content item and a set of signed partial rights from a server system, a digital rights

module that is configured to: receive a request for access to the content item from an

other device on the network, identify a partial right of the set of signed partial rights corresponding to the request, verify the partial right, and grant the request for access based on verification of the partial right ("At least one of the control fields incorporates the persistent database structure control policy that controls use and/or access rights of a recipient", ¶ [0008]).

27.   With respect to claim 24:

28.   Richards discloses a server system (Item 52, Fig. 1)comprising: a memory that is configured to store a content item and a usage right associated with the content item, a digital signing element that is configured to decompose the usage right into a set of partial rights and sign each partial right to create a set of signed partial rights, and a transfer element that is configured to transfer the content item and the set of signed partial rights to a client system.

29.   Claims 13, 21 and 23 are rejected under 35 U.S.C. §103(a) as being unpatentable over Richards, Okamoto and Jaalinoja as described above and further in view of Lambert (US 7,509,421).

30.   With respect to claims 13, 21 and 23:

31.   Richards discloses a policy component that define recipient's access rights to the data, such as the rights to "read/write", "save encoded", "save open", "no save", "server keyed", "render 1", "render 2", "Age 1", "Age 2", and "Use", etc. (¶¶ [0026] and [0068]) but does not explicitly disclose deleting or revoking the rights.

32.   However Lambert teaches rights being revoked ("being able to revoke those rights", C. 18, ll. 26-28)

33.   Therefore it would have been obvious to the person having ordinary skill in the art at the time of invention to combine the secure content distribution service to a group of devices in a domain as disclosed by Richards with the digital rights management system capable of revoking the content rights as taught by Lambert for the purposes of added security and prevention of illegal use, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

Response to Arguments

34.   Applicant's arguments with respect to claim 1 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

35.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

36.   A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

37.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to MURALI K. DEGA whose telephone number is

(571)270-5394. The examiner can normally be reached on Monday to Thursday 7.30 to

4.00 ET.

38.   If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Andrew J. Fischer can be reached on (571)272-6779. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

39.   Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Murali K. Dega/
Art Unit # 3621
May 07, 2010

/EVENS J. AUGUSTIN/

Primary Examiner, Art Unit 3621